

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re:

NEW SEABURY COMPANY LIMITED
PARTNERSHIP

Debtor.

Case No. 97-12964-WCH
Chapter 11

FILING FEE PAID

NOTICE OF APPEAL TO THE UNITED STATES DISTRICT COURT

New Seabury Company Limited Partnership, the post-confirmation debtor in the above-captioned matter, hereby appeals, pursuant to 28 U.S.C. § 158(a) and Federal Rule of Bankruptcy Procedure 8001(a), the Order Regarding Memorandum of Decision on Second Remand entered by the United States Bankruptcy Court on July 20, 2004 and docketed on the same day, and the Memorandum and Order dated March 5, 2004 of the United States District Court, District of Massachusetts, to the United States District Court for the District of Massachusetts.

The parties to the Order appealed from and their attorneys are the following:

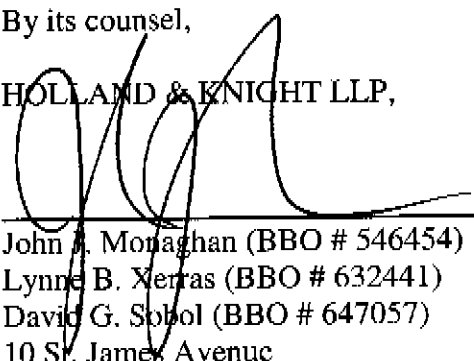
1. New Seabury Company Limited Partnership, by its counsel John J. Monaghan, Holland & Knight, LLP, 10 St. James Avenue, Boston, Massachusetts 02116, phone: (617) 523-2700, facsimile: (617)523-6850, e-mail: bos-bankruptcy@hklaw.com.
2. New Seabury Properties LLC, by its counsel Daniel E. Rosenfeld, Kirkpatrick & Lockhart LLP, 75 State Street, Boston, Massachusetts, 02109, phone: (617)261-3100 and Robert N. Michaelson, Esq., Kirkpatrick & Lockhart LLP, 599 Lexington Avenue, New York, New York, 10022-6030, phone: (212)536-3900.

Respectfully submitted,

NEW SEABURY COMPANY LIMITED
PARTNERSHIP,

By its counsel,

HOLLAND & KNIGHT LLP,



John J. Monaghan (BBO # 546454)
Lynne B. Xerras (BBO # 632441)
David G. Sobol (BBO # 647057)
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Boston, Massachusetts 02116
(617)523-6850

Dated: July 29, 2004

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DISTRICT OF MASSACHUSETTS

CERTIFICATE OF SERVICE

I, John. J. Monaghan, counsel to New Seabury Company Limited Partnership, do hereby certify that on July 29, 2004, I served copies of the (1) Notice of Appeal to District Court; (2) Statement of Election; and (3) Statement of Issues Upon Appeal, upon the below listed parties by hand delivery and/or first-class mail, postage prepaid:

Daniel E. Rosenfeld, Esq.
Kirkpatrick & Lockhart LLP
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(by hand)

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John J. Monaghan